



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM12/0731

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/156,580	09/18/98	012	MEHTA, A	1638 07/31/00
First Named Applicant	TAKATSUJI, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION
METHOD FOR SHORTENING INTERNODE OF INFLORESCENCE BY INTRODUCING GENE FOR PETUNIA TRANSCRIPTION FACTOR PETSPL2

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	085761-0004	800-290.000	P92 UTILITY	NO	\$1210.00	10/31/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/156,580

Applicant(s)
TAKATSUJI et al

Examiner
Ashwin Mehta

Group Art Unit
1638

File

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the papers filed June 23, 2000 and the telephone interview of July 25, 2000

☒ The allowed claim(s) is/are 1, 2, 4-9, 12, 15, 18, 19, renumbered 1-12

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 11.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 16

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413, 2 forms

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

EXAMINER'S AMENDMENT

1. Examiner proposes to amend the claims as described below, to place the application in condition for allowance. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 1, line 1, delete "gene" and insert --DNA molecule--.

In claim 1, line 4, delete "a" and insert --the--.

In claim 2, line 1, delete "gene" and insert --DNA molecule--.

In claim 2, line 4, delete "an" and insert --the--.

In claim 4, line 3, delete "gene" and insert --DNA molecule--.

In claim 8, line 1, delete "gene" and insert --DNA molecule--.

In claim 12, line 3, delete "gene" and insert --DNA molecule--.

In claim 18, line 3, delete "gene" and insert --DNA molecule--.

In claim 19, line 3, delete "gene" and insert --DNA molecule--.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Bastian on July 25, 2000.

The following is an examiner's statement of reasons for allowance: Applicants have isolated a DNA molecule (SEQ ID NO: 1) from *Petunia hybrida* which includes the coding

sequence for the PetSPL2 transcription factor (SEQ ID NO: 2). Applicants have also developed a method for using the DNA molecule in making transgenic plants in which the height of the plant and the length of an internode have been altered. The prior art does not teach SEQ ID NO: 1, SEQ ID NO: 2, nor PetSPL2.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUDING REMARKS

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashwin Mehta, whose telephone number is (703) 306-4540. The Examiner can normally be reached from 8:30 am to 5:00 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for the group is (703) 305-3014. Any inquiry of a general nature or relating to the status of the application should be directed to THE MATRIX CUSTOMER SERVICE CENTER, whose telephone number is (703) 308-0196.

Ashwin D. Mehta

July 26, 2000


GARY BENZON
PRIMARY EXAMINER